

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	NO. 1:CR-11-0096
)	
v.)	(Judge Caldwell)
)	
MICHAEL STRAUSBAUGH,)	
)	
Defendant.)	(Electronically Filed)

**GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION FOR RETURN OF PROPERTY**

On February 8, 2013, Michael Strausbaugh filed a *pro se* Motion for Return of Property pursuant to Fed. R. Crim. P. 41(g) in the above named case.¹ Specifically, Strausbaugh references a list of 13 items (see Rec. Doc. No. 182 at pp. 2-3), including many items that were used as trial exhibits.

The United States agrees to return Defendant's Items 3, 5 and 7, which are CDs, a VHS tape and an 8 mm tape.² However, the other items enumerated in the

¹ Although the motion was filed *pro se* by Michael Strausbaugh, both Michael and Rebecca Strausbaugh are represented by counsel on appeal. As such, a copy of the response was sent to Defendants counsel. The United States did not communicate with Michael Strausbaugh by sending a copy directly to him.

² The Defendants may contact Postal Inspector Michael Corricelli at (717) 257-5581 or MJCorricelli@uspis.gov to make arrangements to pick up these items. Once arrangements are made, the items can be picked up at 1425 Crooked hill Road, Harrisburg, Pennsylvania 17106.

list are evidence seized during a lawful search. Additionally, while the trial phase has been completed, both Michael and Rebecca Strausbaugh have filed appeals of their convictions and sentences. As such, the prosecution has not been completed and the property may still be needed as evidence. If the Defendants withdraw their appeals or both appeals are completed without remand, the United States will then determine what evidence can be returned to the Defendants. Nonetheless, it should be noted that Defendant's Item 13, the Konica Minolta camera and San Disk, were used in the production of child pornography and were ordered forfeited and will not be returned.

Respectfully submitted,
PETER J. SMITH
United States Attorney

Dated: February 12, 2013

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on this Tuesday, February 12, 2013, he caused to be served a copy of the attached

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTHER'S MOTION FOR RETURN OF PROPERTY**

by electronic means sent to the Defendants' attorneys at the following addresses:

Addressees:

Brett J. Riegel, Esquire
Amori & Riegel
513 Sarah Street
Stroudsburg, PA 18360-0000
brett@armlawyers.com

Dated: February 12, 2013

s/Daryl F. Bloom
DARYL F. BLOOM
Assistant United States Attorney